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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/694,167 | 10/27/2003 | Jan Ryderstam | 81044557 (201-0705) | 3060 |

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EXAMINER

HERNANDEZ, OLGA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2144

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,167

Applicant(s)

RYDERSTAM ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 6,7,9-12 and 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/27/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 4/15/05 have been fully considered but they are not persuasive.

Applicant argues that Kitano does not teach: "determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request." The examiner disagrees. Kitano discloses determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request (column 7, lines 58-67). Tractive force is the drawing of a vehicle by motive power; the motive power employed. Applicant's metes and bounds of the claimed invention do not define what kind of tractive force is used. In fact, applicant's summary of the invention states: "the present invention is to provide a method of controlling tractive force of a vehicle comprising an actual speed of the vehicle and sensing a position of an acceleration pedal (page 1, lines 19-21)." This is no difference than Kitano's invention. In column 8, lines 7-10, Kitano controls the tractive force by releasing the accelerator pedal and vehicle speed. Note that the actual tractive force is the "real" tractive force in Kitano's invention and the tractive force request is the target driving force in Kitano's invention.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitano et al (6,528,959).

As per claim 1, Kitano discloses determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request (column 3, lines 35-48, column 7, lines 18-24, 57-67, figures 2, 3, 29).

As per claim 2, Kitano discloses measuring the actual speed of the vehicle (column 3, lines 32-33); sensing a position of the acceleration pedal (column 12, lines 14-17); looking up the tractive force request corresponding to the actual speed and the position of the acceleration pedal (abstract).

As per claim 3, Kitano discloses modeling the actual tractive force (abstract).

As per claims 4 and 14, Kitano discloses modeling the tractive force as a function of the vehicle speed (abstract).

As per claims 5, 8, 15, Kitano discloses a percentage of maximum available tractive force of the vehicle (column 41, lines 1-15).

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As per claim 13, Kitano discloses determining a tractive force request of a driver of the vehicle; determining an actual tractive force of the vehicle; and modifying the actual tractive force of the vehicle to be equal to the tractive force request (column 3, lines 35-48, column 7, lines 18-24, 57-67 and figures 2, 3, 29); measuring the actual speed of the vehicle (column 3, lines 32-33); sensing a position of the acceleration pedal (column 12, lines 14-17); looking up the tractive force request corresponding to the actual speed and the position of the acceleration pedal and modeling actual tractive force (abstract).

Allowable Subject Matter

Claims 6, 7, 9-12, 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'OH' with a large, stylized flourish extending from the bottom.

Olga Hernandez
Examiner
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